

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MARCUS MIAL, :
 :
 Plaintiff :
 :
 v. : Case No.: 1:11-cv-921
 :
 JENNIFER A. SHERIN, et al., :
 :
 Defendants.

:

DEFENDANTS' PROPOSED VOIR DIRE

1. In the case before you for trial, the plaintiff, Marcus Mial is suing Loudoun County Sheriff's Office deputies Jennifer Sherin, Nathan Ferguson, Brian Sayre and Nicholas Altom for damages which he claims were sustained as a result of the deputies unconstitutionally entering his home and using excessive force on February 14, 2010. The defendants contend that their entry in Mr. Mial's home was necessary and that the force that they used was appropriate given the circumstances. The defendants also contend that they are entitled to qualified immunity. Do any of you know anything about these facts, or have you heard anything about these facts which are the substance of this lawsuit?

Law Enforcement Issues

2. Jennifer Sherin, Nathan Ferguson, Brian Sayre and Nicholas Altom are employed by the Loudoun County Sheriff's Office.

- (a) Has any member of the jury panel or close family member ever been employed by the Loudoun County Sheriff's Office, done business with the Loudoun County Sheriff's Office, or been associated in any way with the Loudoun County Sheriff's Office?

- (b) Has any member of the jury panel or close family member ever had any type of experience or interaction (either pleasant or unpleasant) with anyone associated with the Loudoun County Sheriff's Office that could possibly affect your ability to effectively decide the issues in this case based solely on the evidence?

3. Have you or any close friends or relatives ever been employed by or otherwise affiliated with a law enforcement agency? This includes police, sheriff, F.B.I., prosecutors, state prisons, county jails, *et cetera*.

If "Yes":

(a) What agency did you/they work for?

(b) When did this employment occur?

(c) How do you know this person?

4. Have you or anyone close to you worked for any other Federal, State or Local government agency?

(a) Explain.

5. Have you ever considered working in law enforcement?

(a) Explain.

6. Have you had any training, courses or work experience in law enforcement, criminal justice, or administration of justice or law?

(a) Explain.

7. Have you or anyone in your household belonged to a neighborhood or citizen's association concerned with crime prevention, law enforcement or neighborhood safety?

(a) Explain.

8. Have you ever been accused, prosecuted or convicted of any kind of crime?

If “Yes”:

- (a) Identify the crime you were accused, prosecuted or convicted of.
- (b) Provide the disposition of the charges (i.e., dropped, acquitted or convicted).
- (c) Were you fairly treated by the police?
- (d) Were you fairly treated by the judicial system?

9. Have you or anyone close to you been a victim of, or a witness to, any kind of a crime?

If “Yes”:

- (a) What is the relationship of the victim to you?
- (b) Describe the crime.
- (c) Was the matter reported to the police?
- (d) Were you or the person close to you interviewed by the police?
- (e) Did you or the person close to you testify in court?
- (f) How did you or the person close to you feel that law enforcement handled the situation?

10. Have you ever called the police for any reason?

- (a) Explain.

11. Have you or any member of your family or a close friend ever been arrested?

If “Yes”:

- (a) What was the relationship of the person that was arrested, to you?
- (b) Describe the offense.
- (c) Were you or your family member prosecuted?
- (d) What was the outcome?

(e) How do you feel that you or the person close to you were treated by the police department?

(f) How do you feel you or the person close to you was treated by the criminal justice system?

12. Have you or anyone close to you ever been incarcerated for any reason or period of time?

If "Yes":

(a) Identify the facility in which you were incarcerated;

(b) Identify the length of the incarceration;

(c) Were you or the person close to you treated fairly while incarcerated?

13. In general, how do you rate the job the law enforcement are doing dealing with crime?

Excellent _____ Good _____ Fair _____

14. Would you be more willing to believe the testimony of a Deputy than another witness who is not a Deputy?

(a) Explain.

15. Some people feel that the job Deputies perform is so difficult and important that it is wrong to second-guess them for events which occur in the course of their performance.

Would you agree that it is wrong to second-guess Deputies who are acting in good faith?

(a) Explain.

16. There has been a lot of negative press regarding law enforcement and police officers the past few months. Would the stories and press that you may have seen, heard, or read about have any impact on your ability to render a fair and impartial judgment in this case? If

yes,

- (a) Identify the media stories you have seen, heard, or read;
- (b) Explain why these media stories will impact your judgment.

Parties, Witnesses and Attorneys

- 17. The plaintiff is Marcus Mial. Do any of you know the plaintiff?
- 18. Do any of the members of the jury panel know any of the attorneys involved in this case, either on a professional or social basis, or do you know anyone in their law firms?

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- 19. Does any member of the jury panel know any of the following individuals who may be called as witnesses in the trial of this case?

Marcus Mial

Theresa Mial

Golden Kirkland

Carolyn Ann Kirkland

Edwin N. Carter, Ph.D.

Harry Neibich

Suzanne Prebish

Krishna Doddi M.D.

Elizabeth Richards, M.D.

John Valenti, M.D.

Mark Vives, M.D.

Ann Slater

Troy Atkinson

Jennifer Sherin

Nate Ferguson

Brian Sayre

Kimberly Holloway

Nicholas Altom

Gary Gaither

Magistrate Che C. Rogers

Bernadette Durkin

Dr. Liza Gold

Stephen O. Smith

Michael Chapman

Prior Experience with the Judicial System

20. Have any of you been involved in litigation in any way? (Witness at deposition, etc.)

21. Have any of you had prior jury duty? What kind of case did you serve on? Is there anything about that case which would prevent you from being fair and impartial in this case?

22. Have any of you ever been a plaintiff or sued somebody? (Explain who, when, where, details, and were you satisfied with the outcome?)

23. Have you ever been sued before or been a defendant in a lawsuit? (Explain who, when, where, details, and were you satisfied with the outcome?)

24. Do you feel that because you have been a party to a lawsuit, your judgment in this case will be affected?

25. Does anyone have negative or bad feelings toward our civil jury system?

26. Does everyone understand that in this case, nobody is accusing the defendants of a crime?

27. Is there anything in your background which would prevent you from returning a verdict in favor of the defendants if they are so entitled?

28. Does everyone understand that just because Marcus Mial has filed a lawsuit, he is not necessarily entitled to an award by this jury?

29. If you determine that Marcus Mial is not entitled to recover from the defendants, would you have any hesitation to see that the verdict reflects your conscience?

30. Do any of you have any preconceived ideas or notions about this type of litigation?

31. Have any of you in the last few years read any articles about jury verdicts in any particular place and as a result had any thoughts, notions or ideas about jury's awards and lawsuits? If so, what thoughts have you had?

32. Is any member of the jury panel taking any type of medication, or have any physical or emotional or other difficulty of any nature which might affect your ability to sit as a juror in this case?

33. It is anticipated that the trial of this case will last up to three days. Does that factor affect anything that you have heard about the facts underlying this lawsuit, the identities of the parties, or any reason whatsoever cause you to feel that you cannot serve as a juror in this case?

34. There has been a significant amount of negative media attention involving law enforcement these past several months. Would any media stories that you have heard, read about, or viewed on television have any impact on your ability to serve as an impartial juror in this case?

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the foregoing Defendants' Proposed Voir Dire, via ECF Transmission and U.S. Mail, postage prepaid, this the 16th day of March, 2015 to:

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